

August 13, 2015

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SUMMARY STATEMENT

DirecTV continues to show a lack of good faith. Its Answer to the Complaint contains evasions and glaring non-disclosures. Its claim of having an industry-unique uplink system that permits only a single audio coding format is contradicted by DirecTV's own narrative. Its refusal to disclose the manufacturer, make and model of the encoding equipment it utilizes is part of its effort to deny carriage to KSQA and mislead the Commission. In contrast, KSQA is carried in its current format on every cable, satellite and MVPD system in the Topeka DMA where carriage has been requested. DirecTV is the sole exception.

The "good quality signal" rule DirecTV cites, applies to signal strength, not signal format. Even if the "good quality signal" rule applies, KSQA has offered, at its own expense, to provide DirecTV with the specialized equipment necessary to convert the audio format to the AC-3 format. Converting KSQA's audio signal to AC-3, would avoid disrupting KSQA's current carriage on its existing MVPD systems, which have no problem receiving its MPEG-2 audio signal. A change of audio signal by KSQA, on the other hand, would disrupt the viewing for its existing viewers. DirecTV says the specific equipment offered by KSQA with its optional configuration features will not convert KSQA's audio signal such that DirecTV can receive it as AC-3 – but DirecTV does not represent that no encoding equipment with the correct configuration could make the conversion. That's evasion.

DirecTV opposes any needed waiver, arguing that the Commission may waive the video component of the signal but not the audio component. DirecTV ignores that the Commission has the inherent authority to waive any of its rules to assure that the rules serve the public interest.

DirecTV represents that it currently carries 1700 broadcast stations and each and every one of them provides DirecTV with the audio format it demands. DirecTV asserts that it cannot

convert an MPEG 2 signal, however, DirecTV then concedes that is not the case, because it converts its AC-3 signal for subscribers who receive standard definition only service.

DirecTV spends a great deal of time complaining about KSQA's alleged failures during the 2012 election cycle, but then admits that, in the 2012 carriage cycle, it had the capacity to accept and convert the KSQA audio signal to its desired format. DirecTV failed to make that disclosure in 2012 and today again refuses to disclose the current configuration and capacity of the encoding equipment utilized. Rather than provide KSQA information on the specialized equipment it needs to allow delivery of the KSQA signal in the AC-3 audio format, DirecTV rambles on with page after page of minute details of non-decisional matters and uninformative documents, all in an apparent effort to obfuscate its intransigence.

In re)	MB Docket No. 15-11
KSQA LLC,)	File No. CSR-8899-M
Licensee of KSQA (TV))	
Topeka, KS)	

I. Introduction

As detailed below, the Answer fails to address the pivotal issue that KSQA offers to *deliver* a rule compliant audio signal. Instead, DirecTV misleads as it focuses on non-decisional factors and diversions and offers inconsistent factual representations. Thus, the Commission should grant the relief requested by KSQA.

A. Prior Election Cycle

1

advised KSQA of a “carrier spike” in its broadcast signal and (c) complained of the MPEG 2 audio format. The first two points if relevant then, are not decisional now. Those points are but an effort at diversion and confusion. The last point is the only issue before the Commission.

B. Current Election Cycle

In Section 2, Background, DirecTV says the audio format issue remains in this election cycle. That issue is core to this Complaint, and KSQA addresses it below, at Section IV,

C. Lack of Good Faith

In Section 3, Background, DirecTV essentially argues that it has made a good faith effort to resolve the current dispute and suggests that KSQA has not. DirecTV asserts that there have been extensive efforts and correspondence, citing communications from itself and KSQA. However this large stack of paper does not demonstrate good faith.¹ As KSQA shall demonstrate, creating artificial barriers to deny a local television signal to the public in the Topeka service area does not demonstrate good faith. The breakdown in negotiations and termination thereof represents an acceptance by KSQA that DirecTV is indifferent to the public interest in providing local service in Topeka.

III. Legal Standard

DirecTV maintains that the legal standard of a “good quality signal” specified in Section 73.66(g) of the Rules applies here. Answer, at page 7. DirecTV is wrong. As detailed below, at Section IV, A, that rule by its terms provides a numerical test for and applies only to the strength of a broadcast signal, not the format of an audio signal.

¹ Indeed, DirecTV attaches 25 pages of email settlement communications between counsel for DirecTV and counsel for KSQA. Settlement discussions are considered confidential and are not to be used to support either party’s claims. However, as DirecTV has chosen to make them public, KSQA will refer to them here as well.

IV. Discussion

A. Good Quality Signal and the Alleged AC-3 Mandate

In its Answer, at page 7, DirecTV maintains that –KSQA Does Not Deliver A Good Quality Signal to DirecTV. However, neither the Commission’s Rules nor precedent expressly provide that the ‘good quality signal’ standard in Section 76.66(g)(2) of the Commission’s Rules governs audio conversion formats. That rule, by its express terms, applies only to the minimum strength of a broadcast signal and maximum distortion levels. DirecTV does not provide any legal support for its argument that the rule applies to audio formats. To the contrary, DirecTV concedes the inapplicability, but buries the concession in a footnote, note 31, maintaining that the rule “presupposes” applicability as that is the only way to be a “television station.” That argument is a non-sequitur, it is devoid of merit. Obviously, the Commission knows the difference between signal strengths, distortion and audio formats – and what constitutes a television station.

B. Waiver

1. Unclean Hands

DirecTV argues that KSQA has “unclean hands” and its Complaint should be denied - and no waiver granted – because KSQA insists on DirecTV carrying a “non-compliant” signal, citing *Sprint Communications Company*, 26 FCC Rcd 10780 (2011), which relies on *Precision Instrument Manufacturing Company v Automotive Maintenance Machinery Company*, 324 U.S. 806, 814 (1945). See, Answer, Note 33. The citations do not support the DirecTV argument.

In *Sprint*, the issue was the illegality of Northern Valley’s interstate switched exchange access services and whether the illegality represented unclean hands. Here, there are no such issues as to illegality. Similarly, in *Precision*, the plaintiff filed his preliminary patent statement

in a Patent Office proceeding. In it he gave false dates as to the conception, disclosure, drawing, description and reduction to practice of his claimed invention. The Supreme Court concluded that the patents obtained fraudulently by perjury and contracts based on those patents may not be enforced. *Ibid*, at 816-817. This is not a case about illegality, fraud or perjury. To the extent the cases have value here, DirecTV inverts the holdings: it is the denial of carriage benefits and non-disclosures by DirecTV, as detailed below, which suggest unclean hands by DirecTV.

2. MPEG 2 to AC-3

DirecTV asserts that under the Commission Rules, KSQA is required to broadcast its audio signal only in an AC-3 format. Answer, at pages 8-9. In support, DirecTV cites Section 73.682(d) of the Rules (incorporating by reference ATSC A/53 Part 5:2010 ‘ATSC Digital Television Standard: Part 5—AC-3 Audio System Characteristic’”), Answer, note 30, at 8-9. However, while the rule provides that the standards shall apply, the referenced operative standards *describe* the AC-3 format but do not specifically *require* broadcasting in the AC-3 format. The express terms of Revision B only *offers* AC-3 as a compression coding system. It provides –

“Revision B corrected some errata in the detailed specifications, and added a new annex, then titled “Enhanced AC-3 Bit Stream Syntax” which specified a non-backwards compatible syntax that offers additional coding tools and features.”

ATSC Standard: Digital Audio Compression (AC-3, E-AC-3), Revision B, at 3.

Additionally, as to the scope of the Standard, the operative language of the Standard provides –

“This standard defines two ways to create coded representations of audio information, how to describe these representations, how to arrange these coded representations for storage or transmission and how to decode the data to create audio. The coded representations defined herein are intended for use in digital audio transmission and storage applications.”

Further, as to whether a standard or provision is mandatory or not, the Standard also provides –

“This section defines compliance terms for use by this document:

shall – This word indicates specific provisions that are to be followed strictly (no deviation is permitted).

shall not – This phrase indicates specific provisions that are absolutely prohibited.

should – This word indicates that a certain course of action is preferred but not necessarily required.

should not – This phrase means a certain possibility or course of action is undesirable but not prohibited.”

While it may be industry practice or expectation that an AC-3 audio format will be used pursuant to the Standard, nothing in the rules or the referenced ATSC Standard mandates the format. Importantly, the Standard does not specify anywhere the term “shall” which usage is described as to be strictly followed with no deviation permitted. Thus, reliance by DirecTV on the Standard is misplaced.

C. DirecTV System Capacity

In its Answer, at page 9, DirecTV maintains that – DirecTV’s System as Now Configured Cannot Pass through KSQA’s Audio Signal. DirecTV asserts that it is irrelevant that all other multichannel video programming distributors (“MVPDs”) in the DMA have carried the KSQA signal since the last carriage cycle. DirecTV claims it lacks the technical capacity to do so. DirecTV says that in October 2012, it “upgraded” its system from one that could then carry and convert multiple audio formats - including MPEG 2 - to one that now cannot convert multiple audio formats, only pass through an AC-3 format. Answer, Note 37.

KSQA submits that DirecTV misleads the Commission in multiple ways. First, buried in a footnote at note 37, DirecTV concedes that, in fact, it does convert the AC-3 signals of other stations to an older format for a “small minority” of some of its subscribers. KSQA submits that if DirecTV can convert for some subscribers who only request standard definition programs, but not other subscribers, it should have disclosed how and why that conversion process does not

apply to other format conversions, specifically MPEG 2. That would have represented good faith.

Second, recognizing this inconsistency, DirecTV says it has attempted to use MPEG 2, but its system repeatedly failed. Again, DirecTV does not detail the factors causing failures or represent that the failures cannot be rectified or safeguarded. Instead, it provides only a one-sided report of outcomes. Comparatively, DirecTV does not fail to detail and provide historic documentation in an effort to deny carriage. Indeed, it has provided some fifty-two pages herein, the great majority of which lack decisional significance. That is mere misdirection, taking the focus from the central issue – DirecTV’s unwillingness to provide carriage to KSQA.

Third, and most importantly, DirecTV concedes - but only parenthetically so - that in October 2012, during the last carriage cycle, when it refused carriage based on the MPEG 2 format, it then had the capacity to receive and convert the KSQA audio format to an AC-3 format. Answer, at page 10. However, DirecTV failed to disclose this capacity in 2012, thereby misleading KSQA and concomitantly denying the public access to KSQA programming. Now DirecTV attempts to bootstrap its 2012 non-disclosures. Had DirecTV disclosed that it could convert the KSQA audio signal in the previous election cycle, this issue may have been resolved then. KSQA submits that this is an abuse of the Commission’s processes and represents a lack of good faith.

All of the foregoing failures to detail material factors as to its technical capacities provide a permissible inference that the non-disclosures by DirecTV were and are intended to mislead the Commission as to decisional factors.

D. Specialized Equipment Solution

In its Answer, at page 11, DirecTV maintains that –KSQA’s Proposed “Solution” Does Not Comply with the Commission Rules.

1. Offer of Specialized Equipment

DirecTV concedes that the rules permit resolution of this carriage dispute by KSQA providing DirecTV with the “specialized equipment” that would deliver an AC-3 audio signal to DirecTV. Answer, at page 11. DirecTV also acknowledges that KSQA offered to provide it with a Sencore Model Encoder as used by Dish Network and other MVPDs. Answer, at page 11. DirecTV complains that the Sencore unit will not so convert and that KSQA wants DirecTV to pay for the specialized equipment. Answer, at page 11-12.

DirecTV again misleads. As detailed below, if the Sencore unit will not convert to AC-3, other offered equipment will. Also, KSQA has never asked DirecTV to pay for any offered specialized equipment. As is demonstrated throughout the many pages of settlement emails attached to DirecTV’s Answer, KSQA has repeatedly stated that it will assume the responsibility of all such equipment costs.

2. Rent Demands

For the first time, during settlement negotiations, DirecTV raised a whole new objection. DirecTV asserted that KSQA must lease space in its signal capture center, which is co-located with a broadcast station, and pay rent to that station for space to house its specialized equipment. This space would be in the DirecTV existing in-place racks, and would be used for KSQA’s signal decoder, which is approximately the size of a standard consumer DVR. The DirecTV argument is surprising and highly questionable, because DirecTV had previously agreed that the specialized equipment could be housed in its racks. Answer, at 20, Message dated January 30,

2014, from Michael Nilsson, Counsel for DirecTV to James Winston, Counsel for KSQA, Attachment 2, providing that “KSQA will be limited to 3RU (three rack units) which I understand is more than sufficient.” The rule provides that KSQA must pay for *equipment only*, not space to rack the equipment. DirecTV no doubt already pays to house the equipment necessary for its operation, including existing racks. The DirecTV argument is yet another example of its lack of good faith.

3. Availability of Specialized Equipment

a. DirecTV Representations

DirecTV does not represent that there is no specialized equipment, i.e., an encoder/decoder, which can convert a MPEG 2 signal to an AC-3 signal. Instead, DirecTV represents that the configuration of the Sencore equipment KSQA offered lacks that capacity. KSQA offered the Sencore equipment based on its knowledge of the equipment other providers, including Dish Network and Cox Communications Inc., utilize as industry representatives. Indeed, as DirecTV concedes, as of October 2012, and to an extent continuing to date, it too continues to utilize the same or similar equipment. Answer, Note 37, at 9.

Upon the denial of carriage, on December 19, 2014, KSQA very specifically requested DirecTV to detail for KSQA the encoding/decoding equipment DirecTV utilizes. The request was:

“Friday, December 19, 2014 9:22 AM
To: Locals-Technical
Cc: Locals-Business
Subject: KSQA TV-12 Topeka, Ks

This is in further response to your letter of October 24, 2014.
In an effort to resolve equipment issues, please advise us of the manufacturer, make and model of audio decoder(s) the company utilizes to receive and decode local broadcast signals.

See Email Message of Gregory Talley, dated December 19, 2014 to DirecTV, Attachment 1.

The response of DirecTV to KSQA stated:

“It has nothing to do with the make/model of the decoder/encoder. It has to do with the fact that you are not airing AC3 audio and our system as a whole is an AC3 pass thru to the set top box...” [Emphasis supplied.]

Email Message dated December 19, 2014, to KSQA, Attachment 1.

As noted, the information requested by KSQA would have been used to identify, secure and offer DirecTV specialized equipment that could make audio conversions compatible with the DirecTV system configuration. But DirecTV had no interest in cooperating to further this objective. The refusal by DirecTV was a lack of good faith.

b. Other Specialized Equipment

KSQA maintains that the coding equipment required to convert from one audio format to another is readily available as off-the-shelf equipment and/or software and is sold by multiple vendors. KSQA made a Google search using the expression “how to convert MPEG 2 to AC-3”. The search response detailed multiple choices.

One such choice identified Hoo Technologies of Westland, Michigan. The Hoo Technologies Inc. website states that it sells equipment and software that can convert MPEG 2 to AC-3. Specifically, it states –

“Convert MPEG to AC3

MPEG to AC3 Conversion Software converts MPEG files to AC3 fast. The converter is a multiple channel encoder. The software supports 2.1, 4.0, 4.1, 5.1, 6.1, and 7.1 channels encoding for AAC, AC3, AIFF, AU, FLAC, OGG, and WAV files. The software also supports common file format such as MP3, M4R (iPhone ringtone), M4B (MPEG-4 audiobook), MMF, MP2, WMA, FLAC, AAC, etc. It could convert EAC3 to AAC, EVO to AAC, AU to MP3, MLP to MMF, TS to MMF, AU to OGG, and so on....

The MPEG standards consist of different Parts. Each part covers a certain aspect of the whole specification. The standards also specify Profiles and Levels. Profiles are intended to define a set of tools that are available, and Levels define the range of appropriate values for the properties associated with them. MPEG has standardized the following compression formats and ancillary standards....

- MPEG-2: Transport, video and audio standards for broadcast-quality television. MPEG-2 standard was considerably broader in scope and of wider appeal - supporting interlacing and high definition. MPEG-2 is considered important because it has been chosen as the compression scheme for over-the-air digital television ATSC, DVB and ISDB, digital satellite TV services like Dish Network, digital cable television signals, SVCD, and DVD....”

The full text is available online at <http://www.hootech.com/formats/ac3/convert-mpeg-to-ac3.htm>

Another choice is Pro Video Instruments Inc. of Wilmington, Delaware. That vendor offers a two-box solution: a decoder that can accept the MPEG 2 broadcast audio signal that when inserted into a Modulator converts and outputs an AC-3 signal. See Declaration of Kelly Quan, the KSQA consulting engineer, at Attachment 3.

The information is available online at <http://www.provideoinstruments.com/PVI-2015-web.pdf>

KSQA does not maintain that there may not be issues in utilizing the Hoo Technologies Inc. or Pro Video Instruments, Inc. equipment or any other equipment. However, as DirecTV specifically has refused to detail its technical configuration, which DirecTV says is irrelevant, KSQA is left to make the best informed judgments based on industry data. If DirecTV were acting in good faith, it would provide KSQA with the information needed to supply the correct hardware and/or software. Instead, DirecTV simply prefers to avoid its obligation to carry KSQA.

c. Renewed Offer

Despite DirecTV's continuing failure to disclose important technical data which would enable KSQA to determine the precise specialized equipment to offer, KSQA again offers the

specialized equipment it believes is compatible with the DirecTV configuration. KSQA hereby offers DirecTV the Hoo Technologies Inc. and/or Pro Video Instruments, Inc. equipment and/or software detailed above. In addition, KSQA is willing to entertain a proposal from DirecTV about any other equipment that will achieve the necessary conversion.

E. Waiver Request

In its Answer, at page 8, DirecTV argues that the KSQA request for waiver to allow carriage is not justified because the waiver provisions apply only to the video component of the KSQA broadcast signal and not the audio component. The argument is frivolous. The contention that the Commission contemplated individualized waivers of the visual component and not the accompanying audio component, could produce video only data to consumer receivers and would defeat the very objective of granting waivers in novel cases. Pivotaly, the Commission may waive any of its rules to promote the underling objectives, in unique situations or to promote the public interest. *WAIT Radio v FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) [holding that the Commission has authority to waive its rules if there is “good cause” to do so.]. Here, the good cause is avoidance of wholesale viewer interruption with no cost to DirecTV.

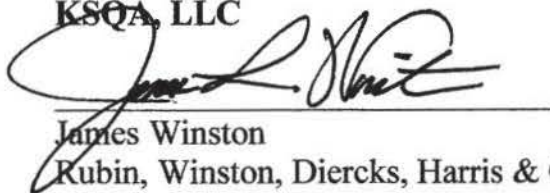
V. Conclusion

KSQA has demonstrated that it is entitled to carriage on the DirecTV satellite system in the Topeka DMA. KSQA has shown that the refusal of carriage by DirecTV is not supported by the rules, or by standard industry practices. KSQA has demonstrated that DirecTV’s own concessions and non-disclosures are but an effort to mislead and confuse. The rules and Commission practice permit KSQA to provide, at its own cost, specialized equipment to enable the delivery of an audio signal compatible with the DirecTV system. KSQA is so prepared, has

made that offer, and continues now to make that offer. The Commission should reject DirecTV's argument that no specialized equipment of any kind is capable of converting a MPEG 2 audio format to an AC-3 audio format. Thus, KSQA urges the Commission to order DirecTV to carry the KSQA signal.

Respectfully submitted,

KSQA, LLC

A handwritten signature in black ink, appearing to read "James Winston", is written over a horizontal line.

James Winston
Rubin, Winston, Diercks, Harris & Cooke, LLP
1201 Connecticut Avenue, N.W.
Suite 200
Washington, D. C. 20036
(202) 861-0870
jwinston@rwdhc.com

Attachment 1

**Email Message of Gregory Talley, dated December 19, 2014 to DirecTV
Responsive email Message from "Locals-Technical of DirecTV to KSQA**

----- Original message -----

From: Locals-Technical

Date 12/19/2014 12:14 PM (GMT-06:00)

To: greg@ksqa12.com, Locals-Technical

Cc: Locals-Business

Subject: RE: KSQA TV-12 Topeka, Ks

It has nothing to do with the make/model of the decoder/encoder. It has to do with the fact that you are not airing AC3 audio and our system as a whole is an AC3 pass thru to the set top box. Your stream only has MPEG1 Layer 2 audio, aka Musicam Audio (which is not ATSC Compliant). This is the same reason that last Must Carry Cycle in 2012 when we could not air your station as well. Your station made a number of attempts to correct the non-compliant stream but was never successful.

Until you can provide an ATSC Compliant stream we are unable to carry your station.

Locals-Technical Team

BS

From: greg@ksqa12.com [<mailto:greg@ksqa12.com>]

Sent: Friday, December 19, 2014 9:22 AM

To: Locals-Technical

Cc: Locals-Business

Subject: KSQA TV-12 Topeka, Ks

This is in further response to your letter of October 24, 2014.

In an effort to resolve equipment issues, Please advise us of the manufacturer, make and model of audio decoder(s) the company utilizes to receive and decode local broadcast signals.

Thank You

Greg Talley

Operations Manager

Attachment 2

**Message dated January 30, 2014, from
Michael Nilsson, Counsel for DirecTV
To James Winston, Counsel for KSQA**

James Winston

From: Michael Nilsson <MNilsson@hwglaw.com>
Sent: Friday, January 30, 2015 5:34 PM
To: James Winston
Subject: RE: DIRECTV and KSQA

Dear Mr. Winston,

That would be acceptable to DIRECTV, with the following clarifications. All of these come from DIRECTV's standard policies, and I believe none should give KSQA pause.

- The Topeka LRF is located at KTWU-TV at 301 SW Wanamaker Rd., Topeka, KS 66606.
- KSQA will provide an ATSC compliant feed to DIRECTV via ASI over coax. (I believe this is what KSQA has proposed, but let's make sure there is no confusion.)
- KSQA will be limited to 3RU for its gear, which I understand should be more than sufficient.
- Please note that no one is allowed access to DIRECTV's racks without a DIRECTV field engineer on site, even if KSQA's equipment fails and KSQA would like to fix it. It can take DIRECTV as long as 2-3 weeks to dispatch a DIRECTV field engineer to its racks.
- If KSQA thinks it may need access to its gear in a more timely fashion, it can instead place the gear elsewhere and run cable over to DIRECTV's racks. Either solution works for DIRECTV.
- Please contact Bill Schully at wrschully@directv.com to discuss logistics. He is prepared to get started as soon as early next week.

If this is acceptable to you, I propose that we jointly ask the Commission to stay the proceeding until KSQA installs its equipment and DIRECTV carries it, at which point KSQA would dismiss its complaint. I can draft something for your review on Monday. I further propose that, in the unlikely event that some additional dispute should arise during such installation, and the parties cannot resolve it, the parties agree that DIRECTV would have an additional 20 days to respond to the complaint.

Will this work for KSQA?

Best,

Mike

Michael Nilsson

Please Note New Address

Harris, Wiltshire & Grannis LLP
1919 M Street, NW
Eighth Floor
Washington, DC 20036
tel 202-730-1334
fax 202-730-1301

From: James Winston [<mailto:jwinston@rwdhc.com>]
Sent: Friday, January 30, 2015 1:55 PM

To: Michael Nilsson
Subject: RE: DIRECTV and KSQA

Mike,

My client is not willing to accept your proposal, but we have a counteroffer: At its own expense, KSQA will install a reception antenna at the DirecTV Topeka site, install the box previously offered at the output of the reception antenna, the box will convert the signal to ATSC, and pass the ATSC to DirecTV.

Jim

From: Michael Nilsson [mailto:MNilsson@hwglaw.com]
Sent: Thursday, January 29, 2015 7:05 PM
To: James Winston
Subject: DIRECTV and KSQA

Dear Jim:

Per our earlier conversation, I have been authorized to confirm that, if KSQA transmits its audio feed in AC-3 format, DIRECTV will carry it (as required by the rules) and will continue to do so for the rest of the carriage cycle, so long as KSQA continues to deliver a good quality signal. DIRECTV can monitor KSQA's audio feed remotely, and thus can commence carriage within a month of KSQA's transition to AC-3 at the latest, and very likely much sooner than that. I can also make DIRECTV's engineer available by telephone to discuss the relative costs of transitioning to AC-3 versus providing DIRECTV specialized equipment, as well as perceived problems with carriage of AC-3 signals by other MVPDs.

I hope we can resolve this, and think we ought to be able to do so. As we also discussed, however, in the event we remain at an impasse, we intend to focus on what we view as KSQA's own failure to comply with the FCC's rules regarding audio format, and the fact that (as far as I am aware) KSQA is the sole station in the country to be doing so.

Please let me know how you would like to proceed. I am always available to discuss. My mobile number is 202-494-4174, if you would like to proceed.

Best,

Mike

Michael Nilsson

Please Note New Address
Harris, Wiltshire & Grannis LLP
1919 M Street, NW
Eighth Floor
Washington, DC 20036
tel 202-730-1334
fax 202-730-1301

Attachment 3

Declaration of Kelly Quan

Declaration of Kelly Quan

I, Kelly Quan, declare as follows:

1. I am a consulting engineer for KSQA TV, Topeka.
2. I previously submitted to the Commission a Declaration regarding my background and experience with broadcast engineering and satellite distribution systems.
3. On August 10, 2015, I had a long and detailed conversation with Robert Costa of Pro Video Instruments regarding equipment the company has that has the capacity to convert an ATSC broadcast with MPEG 2 audio to an ATSC AC-3 signal. I was informed that a two box solution of their CoaxDecoder and their VeCoax Pro1 HD ATSC Modulator, would accomplish the conversion along with connecting cabling and an off the air antenna. The decoder would capture the off air signal, process it then output it via the cabling to the Modulator which would convert the signal to an AC-3 format and output that format.
4. I was provided with a pricing quote of \$2,817.74 for the equipment delivered. A copy of the quotation and identification of the equipment is attached.

I declare under penalty of perjury that the foregoing is true.



Kelly Quan

August 12, 2015

James Winston

Subject:

FW: PVI > Quote # AB- 3293

----- Forwarded message -----

From: <info@provideoinstruments.com>

Date: Mon, Aug 10, 2015 at 12:54 PM

Subject: PVI > Quote # AB- 3293

To: kelresearch@gmail.com



Phone: (302) 669-9077

Quote AB-3293

Kelly Quan,

Thank you for your new quote request at PVIUSA.COM
ProVideoInstruments.

How to Pay and place this order :

By Credit Card > please call [302-669-9077](tel:302-669-9077) to pay by credit card
when ready

By Bank > please pay with Bank Transfer to our bank here below :

Beneficiary: PRO VIDEO INSTRUMENTS LLC

616 Corporate Way, suite 2#4000

Valley Cottage NY 10989

BIC/SWIFT: BOFAUS3N RTN/ABA: 026009593

Bank Name: Bank of America 10419 Narcoosee Rd, Orlando, FL 32832

Beneficiary account: 898052278209

----- FOR ACH PAYMENTS USE CODE #063100277

Please send us a copy of the payment to info@pviusa.com when it will be
available

PO / Check / Other > please call us [302 669 9077](tel:302-669-9077)

Thanks for using ProVideoInstruments.

PVIUSA.COM ProVideoInstruments AB-3293

Information

PI number: AB-3293

Date: 8/10/2015

Additional Information

Account Info:

Login: kelresearch@gmail.com

Pass: *****

Billing Address

Kelly Quan
Kelly Quan Research
kelresearch@gmail.com
(415) 771-6716
55 White Strreet
San Francisco, CA 94109 US

Payment Information

Payment Method
Call with credit card

Items

Shipping To: Kelly Quan Kelly Quan
Research
55 White Strreet San Francisco, CA 94109
US

Shipping Method
UPS - Ground



COAXDECODER COAX to
HDMI Decoder

\$89.00 x 1

\$89.00



VECOAX-PRO1-BT-A
PRO1-BT-HDX Video
Encoder For LPTV
Broadcasting
**SELECT THE
OUTPUT: USA ATSC
DIGITAL OFF AIR**

\$2,690.00 x
1

\$2,690.00

Discounted Subtotal: \$2,779.00

Coupons & Special: \$0.00

Shipping: \$38.74

Sales Tax: \$0.00

Balance Due: \$2,817.74

ProVideoInstruments

1201 Orange St. Wilmington, DE 19899

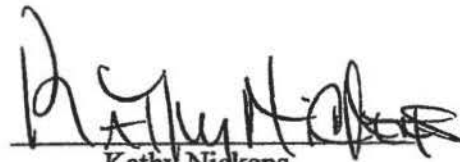
Phone: (302) 669-9077

info@pviusa.com

CERTIFICATE OF SERVICE

I, Kathy Nickens, do hereby certify that on August 13, 2015, a true copy of the foregoing "Reply" was mailed, first class U.S. mail, postage pre-paid to the following:

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Kathy Nickens

August 13, 2015